

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JEROME AUDIGE,

Petitioner,

-v-

JANICE KILLIAN,<sup>1</sup>

Respondent.  
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:  
: 05 Civ. 1899 (JSR)

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: ORDER

JED S. RAKOFF, U.S.D.J.

On February 1, 2008, the Honorable Henry Pitman, United States Magistrate Judge, issued a Report and Recommendation in the above-captioned matter recommending that the Court deny petitioner's motion for a writ of habeas corpus pursuant to 28 U.S.C. § 2241, in which he challenged the United States Bureau of Prison's December 2002 reinterpretation of 18 U.S.C. §§ 3621(b) and 3624(c), because there is no relief that this Court can grant.

Petitioner has failed to file any objection to the Report and Recommendation, and, for that reason alone, has waived any right to further appellate review. See Thomas v. Arn, 474 U.S. 140, 147-48 (1985); Maric v. P & C Food Markets, Inc., 313 F.3d 758, 766 (2d Cir. 2002); Spence v. Superintendent, Great Meadow Corr. Facility, 219 F.3d 162, 174 (2d Cir. 2000). Accordingly,

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<sup>1</sup> Pursuant to Federal Rule of Civil Procedure 25(d), Janice Killian, Warden at FPC Otisville, is automatically substituted as respondent in this action for her predecessor once removed, Frederick Menifee.

the Court hereby adopts the Report and Recommendation, and, for the reasons therein, dismisses the defendant's motion pursuant to 28 U.S.C. § 2241. Clerk to enter judgment.

SO ORDERED.

Dated: New York, New York  
February 25, 2008

  
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JED S. RAKOFF, U.S.D.J.